

II. REMARKS/ARGUMENTS

A. Remarks Regarding Amendments to the Claims

Claims 1, 5 and 10 are amended to more particularly point out and distinctly claim what Applicant regards as his invention.

B. Reply to rejection of claims 1-7 under 35 U.S.C. 112, pgh. 1

The Examiner rejected claims 1-7 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, alleging that claim(s) contain subject matter not described in the specification in such a way as to reasonably convey that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner found the term "interface plane," recited in claim 1 to be new matter. Applicant notes that this term also is recited in claim 10.

The term "interface plane" does not appear in the specification. However, end 18 of collar 12 and end 28 of body 14, which are rotatably connected by interlocking beads 20, 26, are described in the specification as being "generally circular." Since a circle is a planar curve it is self-evident that ends 18 and 28 are planar and, since interlocked, must interface in a plane. Notwithstanding the validity of this argument, Applicant has opted to delete the term "interface plane" from claims 1 and 10.

C. Reply to rejection of claim 1 under 35 U.S.C. 102(b) in view of Burgess '450

The Examiner rejected claim 1 under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 1,808,450 to S.P. Burgess ("Burgess '450"). Specifically, the Examiner alleged that

this reference discloses a fitting comprising: "a generally cylindrical collar (12) having a generally circular first end generally orthogonal to the collar axis, and a generally circular second end oblique to the axis at a predetermined angle, and a body (1, 2) having an upper portion terminating in a generally circular end inclined at the angle, the collar second end circumferentially attached to the body upper portion end thereby determining an interface plane, the collar second end rotatable in the plane with respect to the upper body portion end."

In Burgess '450, collar section 12 preferably has an inwardly extending crimped bead portion 13 adapted to firmly interlock with an outward(ly) crimped bead portion 14 formed along the cooperating edge portion of section 2 (at column 3, lines 12-16). However, in the Figure 5 embodiment the collar section 12 is immovable when attached to the intermediate member 2. In order to change the collar's orientation it must be detached from member 2, reoriented 180 degrees, then reattached. That such rigid attachment is common to all the embodiments is evident from column 2, line 89 through column 3, line 8:

"...the connecting edges 3 and 4 of the members 1 and 2 are preferably brought into overlapping relationship to each other and held in firm interlocked position by means of an adjustable device comprising bracket members 5 and 6 securely fastened to the members 2 and 1, the outwardly extending portions of the brackets 7 and 8 being provided with openings through which an adjustable screw and nut 9 may be extended. It is apparent that the sections 1 and 2 may be brought into firm interlocked relationship by means of tension screw 9 functioning in cooperation with bracket

portions 7 and 8,...furthermore, section 2 is adapted to be reversed..."

In regard to Figure 5, as best understood, the lower end of collar 12 is not oblique to the collar axis, nor is the end (no numeral) of intermediate member 2.

In the present invention, end 18 of collar 12 is circumferentially attached to end 28 of body 14 by means of interlocking beads 20, 26 enabling the collar to be smoothly and continuously rotated about the body when a torque is applied (at page 9, lines 3-10). The teachings of Burgess '450 are irrelevant because in the claimed invention: (a) the collar does not have to be detached from the body to be reoriented; and (b) the collar's orientation is continuously adjustable.

D. Reply to rejection of claims 2-7 and 10 under 35 U.S.C. 103(a) as being obvious over Burgess '450 in view of Paoluccio '403

The Examiner rejected claims 2-7 and 10 under 35 U.S.C. 103(a) as being obvious over Burgess '450 in view of U.S. Pat. No. 5,080,403 to J.A. Paoluccio ("Paoluccio '403").

Regarding claim 2, as demonstrated above, Burgess '450 does not disclose the invention claimed in the Reply to the 1st Office action. As discussed therein, what the Examiner alleged to be a skirt (13, 14) in Paoluccio '403 is a fabric ring member 13 and a semi-flexible fabric ring member 14, both extending outwardly from duct 20. Each is a portion of a bellows, which individually or in combination have no features in common, functionally or literally, with body 14 of the present invention.

Regarding claim 3, Applicant again points out that element 24 is not a damper (which is "16"), but represents airflow. Since claims 1 and 2 are allowable and claim 3 depends from claim 2, claim 3 likewise is allowable. Claim 4 is allowable for the same reason that claim 3 is allowable.

Regarding claim 5, the Examiner alleged that Paoluccio '403 discloses a collar rotatable so that it can be canted at any angle with respect to the duct section to which it is attached, in a range from about 55 to about 90 degrees. As argued in the Reply to the 1st Office action, conical portion 11 is attached to main duct section 20 by a semi-flexible bellows which can bend but not rotate relative to duct section 20. Claim 5 is allowable for the same reason that claims 3 and 4 are allowable.

Claims 6 and 7 are allowable for the same reason that claims 3, 4 and 5 are allowable.

Regarding claim 10, as already discussed neither Burgess '450 nor Paoluccio '403 are prior art against the present invention. First, the Burgess collar is not rotatable with respect to the furnace shoe-receiving box unless it is first detached. Once detached, the collar can be reattached in only one other orientation, 180 degrees from the original orientation. Secondly, the Paoluccio take-off fitting has a cone portion which cannot rotate relative to the duct section; it can only bend.

III. CONCLUSION

For all the above reasons, Applicant believes all grounds for the Examiner's rejections have been overcome and respectfully requests that all pending claims be allowed.

Respectfully submitted,

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